

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SAAMIR LOPEZ-CERVANTES,

Plaintiff,

No. 6:16-cv-01528-AC

v.

ORDER

COLETTE S. PETERS, MAX WILLIAMS,
ROBERT JESTER, BOBBY MINK, DARIN
HUMPHRIES, MICHAEL RIGGINS, DAN
BERGER, SID THOMPSON, DAVID
HANSEN, JOHN AND JANE DOES 1-20,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Acosta issued a Findings & Recommendation [22] on June 5, 2017, in which he recommends that this Court deny Defendants' motion to dismiss [11]; grant Defendants' motion for abstention as to Plaintiff's claims for injunctive relief; and deny

Defendants' motion for abstention as to Plaintiff's other claims. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings & Recommendation ("F&R"), the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

Defendants raise four objections to the F&R: (1) Plaintiff's claims are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994); (2) Plaintiff lacks standing because he has suffered no "actual injury," as required by *Bounds v. Smith*, 430 U.S. 817 (1977) and *Lewis v. Casey*, 518 U.S. 343 (1996); (3) Plaintiff's complaint is barred by the *Rooker-Feldman* doctrine; and (4) alternatively, Defendants' motions for *Younger* and *Pullman* abstention should be granted. Defs.' Obj., ECF 26. The Court has carefully considered Defendants' objections and concludes that the objections do not provide a basis to modify the recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's F&R.

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CONCLUSION

The Court adopts Magistrate Judge Acosta's Findings and Recommendation [22]. Defendants' motion to dismiss [11] is denied. The Court grants Defendants' motion for abstention as to Plaintiff's claims for injunctive relief, and denies Defendants' motion for abstention as to Plaintiff's other claims.

IT IS SO ORDERED.

DATED this 5 day of September, 2017.



MARCO A. HERNÁNDEZ
United States District Judge